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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,437	11/17/2001	John E. Auer	2000P09058US01	3902
7590	01/17/2006			
Jack J Schwartz & Associates			EXAMINER	
Suite 1507 1350 Broadway			LE, LINH GIANG	
New York, NY 10018-7702			ART UNIT	PAPER NUMBER

3626

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,437	Applicant(s) AUER ET AL.	
	Examiner Linh-Giang Le	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>111701, 100603</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. The communication is in response to the application filed 17 November 2001. Claims 1-20 are pending. Acknowledgement is made of the claim of benefit to U.S. Provisional Application No. 60/249,575 filed 17 November 2000.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1-6 and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans (5,924,074).
4. As per claim 1, Evans teaches a network compatible system for displaying medical information derived from a plurality of sources (Evans; Abstract). Evans further teaches a user interface comprising:

A communication processor for acquiring patient medical data (Evans; Col. 4, line 66 to Col. 5, line 1 and Figure 1);

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A processor for prioritizing acquired patient medical data for display in a desired order and for identifying specific displayed parameters of said data in response to a user selection command (Evans; Col. 5, lines 10-28); and

A display generator for generating a window in response to user activation of a displayed icon, said window automatically including said identified specific displayed parameters and also including user entered text messages (Evans; Col. 5, lines 56-60).

5. As per claim 2, Evans teaches an apparatus further comprised of a memory for storing a file of data representing said user-entered text messages and said identified specific displayed parameters (Evans; Col. 9, lines 16-19).

6. As per claim 3, Evans teaches an apparatus that permits a user to enter text message annotations concerning said identified specific displayed parameters (Evans; Col. 7, lines 6-10).

7. As per claim 4, Evans teaches an apparatus wherein said identified specific displayed parameters are values representing a trend point in patient medical data derived from a patient monitoring device (Evans; Col. 15, lines 9-16).

8. As per claim 5, Evans teaches an apparatus wherein said window automatically includes said identified specific displayed parameters together with their associated parameter labels and units of measure (Evans; Col. 15, lines 9-16).

9. As per claim 6, Evans teaches an apparatus that automatically captures at least one of a (a) a vital sign parameter and (b) time stamp data for display in said window (Evans; Col. 15, lines 9-16 and Col. 6, lines 1-3).

10. As per claim 9, Evans teaches an apparatus wherein said displayed icon includes an active area responsive to a cursor incident thereon for displaying a subset of the text messages contained in said window (Evans; Col. 7, lines 28-40).

11. Claims 10, 15, and 19 repeat the same features as recited in claim 1 and the reasons for rejection are incorporated herein.

12. Claims 11 and 16 repeat the same features as recited in claim 2 and the reasons for rejection are incorporated herein.

13. As per claim 12, Evans teaches a method further comprising a visual indicator associated with said specific displayed parameters indicative of said stored note file (Evans; Figure 5 and Col. 6, lines 40-47).

14. As per claim 13, Evans teaches a method wherein the step of generating said window in response to user activation of a displayed icon further comprises determining

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whether a note file already exists for said specific displayed parameters (Evans; Col. 9, lines 41-45).

15. Claim 14 repeat the same features recited in claim 4 and the reasons for rejection are incorporated herein.

16. Claim 17 repeat the same features recited in claim 12 and the reasons for rejection are incorporated herein.

17. Claim 18 repeat the same features recited in claim 6 and the reasons for rejection are incorporated herein.

18. Claim 20 repeat the same features recited in claim 13 and the reasons for rejection are incorporated herein.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (5,924,074) in view of Official Notice.

21. As per claim 7, Evans fails to expressly teach an apparatus where said file of data representing said user-entered text messages and said identified specific displayed parameters comprises an HTML string. However, this is well known in the art as evidenced by knowledge generally available to one having ordinary skill in the art. Evans does teach a system comprised of a wide area network, the World Wide Web portion of the Internet and remote web servers communicating with web browsers (Evans; Col. 12, lines 56-60).

The Examiner takes Official Notice that HTML strings are involved in the Evans' reference to the World Wide Web, as HTML is the markup language of the Web. Therefore, it would have been an obvious modification of the system taught by Evans to include HTML strings with the motivation of using the proper markup language of the Web.

22. As per claim 8, Evans teaches an apparatus wherein said window includes time stamp information associated with said identified specific displayed parameters and time stamp information associated with the creation of the note file (Col. 6, lines 1-3).

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Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a user interface for an implantable medical device using an integrated digitizer display screen (5,724,985).


24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang Michelle Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER